

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Agriculture Department – Sri Sk. Mastan, Ex Sub-Asst, Macherla, Guntur District (Now retired) – Initiated Departmental Proceedings under Rule 9 of A.P. Revised Pension Rules, 1980 – O.A. No. 7585 of 2011 filed by the individual – Judgement of the Hon'ble APAT dt. 14-12-2012 – Examined and Dropped further action -Orders - Issued.

AGRICULTURE AND COOPERATION (Vig. I) DEPARTMENT

G.O.Rt.No. 1017

Dated: 01-08-2013.
Read the following

1. Pro. Rc.No.Vig.II(2)412/1998, dated 28-6-2010 of the C&DA., Hyd.
2. Memo. Rc.No.24/2010, dated 30-6-2010 of the ADA @ Vinukonda.
3. G.O.Ms.No. 199, Agrl. & Coopn. (Vig.I) Dept., dated 02-08-2011.
4. G.O.Rt.No. 905, Agrl. & Coopn. (Vig.I) Dept., dated 02-08-2011.
5. Judgement of the Hon'ble APAT dt. 14-12-2012 in O.A.No. 7585 of 2011 with M.A. 3490 of 2012 filed by Shaik Mastan, Sub-Asst. (Retd), Macherla, Guntur District.

-o0o-

ORDER:

Sri C.M.A. Azeem Ahmed, A.O. who worked at sale point, Marcherla, for the period from 11.9.1978 to 19.6.1979 and again from 18.8.1979 to 23.4.1982 was manipulated the records such as cash book, bill books, fertilizers stock registers, seed stock registers, vouchers etc., pertaining to sale point, Macherla in collusion with Sri Shaik Mastan who worked as Sub-Assistant (AEO) in Thumurukota Village from 1978 to 1980. A case was booked by the CBCID against the above employees in the in C.C.No.55 of 1990 before the learned VII Additional Judicial First Class Magistrate, Guntur and as per the conviction orders, Government has given instructions to the Joint Director of Agriculture, Guntur to dismiss Sri Sk. Mastan, Sub-Asst. (AEO) Macherla and dismissed Sri C.M.A. Azeem Ahmed, A.O. from service vide G.O.Rt.No.731, Agriculture & Cooperation Department, dt.15.7.2002. Accordingly, Sri Sk. Mastan was dismissed by the Joint Director of Agriculture, Guntur.

2. The Hon'ble High Court in its orders dated 24-11-2009 in Cr.Rc.No. 1510/2002 has acquitted Sri Sk. Mastan former Sub-Assistant, Macherla, Guntur district and the individual has requested the Commissioner & Director of Agriculture, Hyderabad to reinstate him into service.

3. The Government after examination of the acquittal orders has requested the Commissioner & Director of Agriculture, Hyderabad to initiate disciplinary proceedings and to place him under suspension vide Govt. Memo.25-6-2012. The Commissioner & Director of Agriculture, Hyderabad duly setting aside the dismissal orders of the individual kept the individual under suspension from the date of his dismissal ie, 30-7-2002 on 28-6-2010 and Sri S.K. Mastan, Ex.Sub-Asst. was re-instated into service and retired from Government service on attaining age of superannuation on 30.6.2010.

4. The Government being the competent authority has initiated disciplinary action against retired employee ie., Sri Sk. Mastan, Ex.Sub-Assistant, Macherla, duly according the sanction order under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of the AP Revised Pension Rules, 1980, a departmental proceedings was initiated against him vide reference 4th read above. The Charged Officer has not submitted his written statement of defense.

5. Aggrieved with the action of the Govt. the individual has filed O.A.No. 7585/2011 for settlement of releasing pensionary benefits and for stopping departmental proceedings and subsequently the individual has filed M.A. No.3490/2012 for stopping all further proceedings in the disciplinary case.

Contd...2.

6. The Hon'ble Tribunal in its judgment dt. 14-12-2012 in O.A.No. 7585 of 2011 with MA No. 3490 of 2012 has observed that the impugned order of sanction as well as the consequential charge memo. issued by the Government have no legs to stand and they are liable to be set aside. Accordingly, G.O.Ms.No. 199, A&C (Vig.I) Dept., dt. 2-8-2011 and the consequential Charge Memo. contained in G.O.Rt.No., 905, A&C (Vig.I) Dept., dated 2-8-2011 are set-aside. Further, the Hon'ble APAT has directed the respondents to release all retiral benefits which are due and payable to the applicant duly regularizing the periods spent by him under suspension and under the orders of dismissal in accordance with the rules within a period of three months from the date of receipt of the order.

7. The Government after careful examination of the matter with reference to judgement of the Hon'ble APAT has decided to comply the orders of the Hon'ble APAT and to drop further disciplinary action against Sri Shaik Mastan, Sub-Asst. (Retd), Macherla, Guntur District and to direct the C&DA., to take further necessary action in the matter and to settle his all retiral benefits as per rules in force.

8. Accordingly, further disciplinary action against Sri Shaik Mastan, Sub-Asst. (Retd), Macherla, Guntur District is hereby dropped and being the competent authority the Commissioner & Director of Agriculture, Hyderabad is directed to settle all his retiral benefits as per rules in force and furnish compliance report to the Hon'ble Tribunal.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ANIL CHANDRA PUNETHA,
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri Shaik Mastan, Sub-Asst. (Retd), Macherla,
Guntur District (Through C&DA., A.P., Hyderabad.)
The Commissioner & Director of Agriculture, Hyderabad.

Copy to:-
The GP, APAT, Hyderabad.
The APVC., Hyderabad.
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER